

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated April 4, 2009. Reconsideration and allowance of the application in view of the amendment made above and the remarks to follow are respectfully requested.

Claims 1-3, 5-14 and 16-19 are pending in the Application. Claims 15 and 20 are canceled herein, without prejudice and the subject matter of claim 20 is included in claim 19 as amended herein. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications.

In the Final Office Action, claim 15 is objected to as being in improperly dependent form. It is respectfully submitted that the cancellation of claim 15 renders this objection to claim 15 moot.

Claims 19 and 20 are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. This rejection of claims 19 and 20 is respectfully traversed. However, in the interest of advancing consideration and allowance of the claims, claim 19 is amended to

refer to "mainly carbon" as acknowledged by the Final Office Action (see, Final Office Action, page 2) as disclosed by the present application. Claim 19 is also amended to include the subject matter of claim 20 which is canceled without prejudice herein. Accordingly, it is respectfully submitted that claim 19 complies with the written description requirement and it is respectfully requested that this rejection under 35 U.S.C. §112, first paragraph, of claim 19 be withdrawn.

In the Office Action, claims 1-3, 6, 7 and 9-11 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 3,836,537 to Sastri ("Sastri") in view of U.S. Patent No. 5,776,615 to Wong ("Wong"). Claims 4-5 are rejected under 35 U.S.C. §103(a) over Sastri in view of Wong in further view of U.S. Patent No. 3,838,512 to Sanderson ("Sanderson"). Claims 8, 12-14, 17 and 18 are rejected under 35 U.S.C. §103(a) over Sastri in view of Wong in further view of U.S. Patent No. 5,142,785 to Grewal ("Grewal"). Claims 15 and 16 are rejected under 35 U.S.C. §103(a) over Sastri in view of Wong in further view of Grewal in further view of Sanderson. These rejections are respectfully traversed. It is respectfully submitted that claims 1-3, 5-14 and 16-19 are allowable over Sastri in view of Wong alone and in view of any combination of Sanderson

and Grewal for at least the following reasons.

The Final Office Action alleges that "Sastri discloses the coating comprising an implanted layer of Cr (36) that is implanted into the metal substrate." (See, Final Office Action, page 3.) This interpretation of Sastri is respectfully traversed.

Sastri is clear that the layer 36 referred to in the Final Office Action is "an alloy coating 36" (See, Sastri, Col. 5, lines 66-67.) Further, Sastri, Col. 5, lines 46-49 also refers to (emphasis added) "a second example, blades were similarly processed for the application of two 250-Angstrom thick layers of chromium rather than the chrome-platinum alloy of the previous example."

It is respectfully submitted that as readily appreciated by a person of ordinary skill in the art, a coating or a layer is not implanted into a lower layer such as a substrate as recited in the claims. A coating or layers is deposited onto a lower layer.

The Final Office Action relies on a definition provided by dictionary.com wherein implant is defined as "to fix firmly", which is only part of the first definition provided by dictionary.com which states in whole, "to put or fix firmly: to implant sound principles in a child's mind." It is not clear how the Final Office Action reconciles this to mean to fix firmly without

embedding into. Clearly, the sound principles referenced in the dictionary.com definition example must be embedded into the mind and not merely placed as a layer over the mind.

While the distraction of this general language interpretation of the term "implant" is amusing, it provides little guidance of how a person of ordinary skill in the art of fabricating a cutting member interprets the term implant. Further, it must be pointed out that the claims recite (emphasis added) "implanted layer of Cr that is implanted into the metal substrate." Clearly a layer fixed to another layer as taught by Sastri is not "implanted into" the layer below (e.g., substrate) it as recited in the claims. Accordingly, it is respectfully submitted that this ludicrous interpretation of the term implant is irrelevant in terms of the claims presented.

It is respectfully submitted that the cutting member of claim 1 is not anticipated or made obvious by the teachings of Sastri in view of Wong in view of Sanderson. For example, Sastri in view of Wong in view of Sanderson does not disclose or suggest, a cutting member that amongst other patentable elements, comprises (illustrative emphasis added) "a metal substrate which is provided with a cutting edge, at least a portion of the substrate including

the cutting edge being provided with a coating comprising carbon, wherein the coating comprises a plurality of stacked pairs of layers, each pair comprising a first layer mainly comprising carbon and a second layer mainly comprising a metal, and each pair having a thickness between 1 and 10 nm, wherein the coating comprises an implanted layer of Cr that is implanted into the metal substrate" as recited in claim 1 and as substantially recited in claims 8 and 19.

In Sastri, it is clear that the Cr is deposited as a discrete coating or layer and therefore, has nothing to do with the claims as presented.

Grewal is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies of Sastri in view of Wong in view of Sanderson.

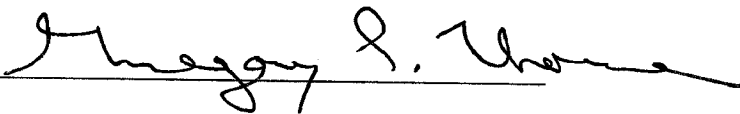
Based on the foregoing, the Applicants respectfully submit that claims 1, 8 and 19 are patentable over Sastri in view of Wong in view of Sanderson and notice to this effect is earnestly solicited. Claims 2-3, 5-8 and 9-18 respectively depend from one of claims 1 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained

in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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